

Feb. 18. 2011 2:22PM McFatridge, Baker & Schmidt PC

No. 5142 P. 2
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A PROFESSIONAL CORPORATION

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February 18, 2011

Via Facsimile 571-273-8300
United States Patent and Trademarks Office
Attn. Office of Petitions

Re: Patent No. 5,891,260
Application No. 795,038

Dear Madam or Sir:

This letter will serve as our request for a refund of the maintenance fees paid on June 22, 2006 in the amount of \$2,300.00, and on September 8, 2010 in the amount of \$4,110.00, under 37 CFR 1.181.

On November 6, 2003, a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent was filed which indicated the Patentee's claim as small entity status (see attached). The Petition was granted on November 26, 2003. However, during this filing, the Patentee's status was shown as a large entity instead of a small entity. The Patentee has always claimed to be and continues to be a small entity. Therefore, please correct the Patentee's status as a large entity to a small entity and refund the difference in maintenance fees paid.

I look forward to your favorable response. If you have any questions regarding the above, please do not hesitate to contact me at (409) 766-7966.

Very truly yours,

McFatridge, Baker & Schmidt, P.C.


Keith W. McFatridge, Jr.

Attachment

cc: Inline Services, Inc. (w/attach.)

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P. 3
File Copy

PTO/BB/55 (09-03)

Approved for use through 06/31/2009. OMB 0561-0018

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

Patent No. 5,891,260 Application Number 795,038

Issue Date April 6, 1998 Filing Date February 5, 1997

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

☐ Is a reissue of original Patent No. _____, original issue date _____;
original application number _____
original filing date _____

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/05/03
Date

Signature

Leh D. Ngo

Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Feb. 18. 2011 2:23PM

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No. 5142 P. 4

FEB 18 2011

PTO/SBMS (09-03)

Approved for use through 05/31/2006. OMB 0951-0018
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ 445.00	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 840.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 940.00☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____. A duplicate copy of this authorization is attached.

(Page 2 of 3)

PTO/GB/68 (08-03)
Approved for use through 05/31/2008. OMB 0851-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT.

As to any overpayment made please

- OR ☐ Credit to Deposit Account No. _____
☐ Send refund check.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8. STATEMENT


The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

11/06/03
Date

713-629-7966
Telephone Number

50549
Registration Number, if applicable


Signature(s) of Petitioner(s)
Len Q. Ngo
Typed or printed name(s)

3900 Essex Ln., Suite 730
Address

Houston, TX 77027
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

- ☐ Maintenance Fee payment
☒ Surcharge under 37 CFR 1.20(f)(2) (fee for filing the maintenance fee petition)
☒ Letter in response to office action

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. 17

MCFATRIDGE, BAKER & DEAN, P.C.
2228 SHIP'S MECHANIC ROW, SUITE 220
GALVESTON, TX 77550

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NOV 26 2003

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 5,891,260
Issue Date: April 6, 1999
Application No. 08/795,038
Filed: February 5, 1997
Title of Invention: PRODUCT RECOVERY
SYSTEM

This is a decision on the petition, filed November 12, 2003, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is GRANTED.

The patent issued April 6, 1999. Accordingly, the first maintenance fee due could have been paid during the period from April 6, 2002 through October 6, 2002 or with a surcharge during the period from October 7, 2002 through April 6, 2003. This patent expired on April 7, 2003.

A petition under 37 CFR 1.378(b) to accept late payment of the maintenance fee was filed on July 30, 2003 and was dismissed in a decision mailed August 13, 2003. A request for reconsideration under 37 CFR 1.378(e) was filed August 25, 2003 and dismissed in a decision mailed October 29, 2003.

Comes now the petitioner with the instant petition filed under 37 CFR 1.378(c) and the surcharge in the amount of \$940 (the surcharge in the amount of \$700 paid with the July 30, 2003 petition will be applied to this petition). Accordingly, the maintenance fee in this case, paid July 30, 2003, is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

This file is being forwarded to Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions